

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1239, L.D. 1756, Bill, "An Act Regarding the Economic Security and Safety of Harness Horsepersons"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 8 MRSA §268, as amended by PL 1993, c. 388, §3, is further amended by adding at the end 3 new paragraphs to read:

All licensees who present simulcast races shall comply with section 275-D, subsection 8, paragraphs A and B.

All licensees conducting live racing including fairs and extended pari-mutuel meets are authorized to simulcast their live racing programs.

All licensees that send simulcast signals of their live racing programs to simulcast facilities must be paid by the simulcast facility the same statutory commission that off-track betting parlors are required to pay those licensees.'

Further amend the bill in section 4 in that part designated "§272-A." by striking out all of subsection 2 and inserting in its place the following:

'2. Use of trust funds. Except as provided in this subsection, trust funds may be used only to pay purses or to reimburse a licensee for money used by the licensee to supplement purses during its race meet. Reimbursement for purse overpayment to licensees commences in 1998 for any overpayments in the previous calendar year and for any subsequent calendar year in

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2 which overpayments occur. Reimbursement must be approved by the  
3 bargaining agent elected pursuant to section 285. Each month, 1  
4 1/2% of the amounts deposited in the trust account must be paid  
5 to the exclusive bargaining agent elected pursuant to section  
6 285. If a licensee fails to conduct a race meet during a  
7 calendar year, all remaining funds held in the trust account  
8 established under this section must be returned to the commission  
9 for redistribution to all racing venues that continue to conduct  
10 live racing in the State. The commission shall adopt rules  
11 pursuant to this section that are routine technical rules as  
12 defined in Title 5, chapter 375, subchapter II-A for the  
13 redistribution of unexpended trust funds.'

14 Further amend the bill in section 5 in the 3rd line (page 3,  
15 line 5 in L.D.) by striking out the following: "275-Q" and  
16 inserting in its place the following: '275-P'

17 Further amend the bill by striking out all of section 7.

18 Further amend the bill by striking out all of section 8 and  
19 inserting in its place the following:

20 'Sec. 8. 8 MRSA §275-P is enacted to read:

21 §275-P. Additional amounts

22 Each licensee conducting live racing in the State shall  
23 deposit in that licensee's trust account, established pursuant to  
24 section 272-A, 6.7% of the track's handle on live racing not  
25 dedicated by law for uses other than to pay the track to pay  
26 purses.'

27 Further amend the bill by striking out all of section 10 and  
28 inserting in its place the following:

29 'Sec. 10. 8 MRSA §285 is enacted to read:

30 §285. Bargaining agent

31 The commission shall conduct and certify an election to  
32 determine the exclusive bargaining agent to represent licensed  
33 harness horse owners, trainers and drivers at the State's  
34 licensed pari-mutuel racing venues. The commission shall prepare  
35 and forward to each licensed owner, trainer and driver a ballot,  
36 which must be returned to the commission office indicating the  
37 person's choice of organization to represent the harness  
38 horsepersons in this State. The ballots must be forwarded to  
39 those individuals who were licensed in the preceding year. The  
40 organization receiving more than 50% of the votes recorded is the

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exclusive bargaining agent of the State's racing venues.  
Certification of the bargaining agent is for a 3-year term.

An organization shall submit in writing to the commission office a request to be placed on the ballot no later than January 1st of the election year. The commission shall forward, by regular mail, a prepared ballot to those eligible to vote no later than January 15th of the election year. All ballots to be recorded must be returned to the commission office no later than February 1st of the election year. The commission shall certify and report the results of the election no later than February 15th of the election year.

Any expenses incurred by the commission in conducting the election must be borne in equal assessments by those organizations requesting to be placed on the ballot.'

Further amend the bill by inserting at the end before the summary the following:

#### FISCAL NOTE

The State Harness Racing Commission within the Department of Agriculture, Food and Rural Resources will incur some minor additional costs to adopt certain rules pertaining to bargaining agents for harness horsepersons and rules pertaining to the distribution of certain unexpended trust fund monies. These costs can be absorbed within the commission's existing budgeted resources.

Requiring the State Harness Racing Commission to hold a certain election to determine the bargaining agent for licensed horse owners will result in offsetting minor increases in dedicated revenues and expenditures.'

#### SUMMARY

This amendment changes the percent payable for purses under the Maine Revised Statutes, Title 8, section 275-P, simplifies the process for certifying the exclusive bargaining agent and clarifies that the permitted use of trust funds includes reimbursement of purse account overpayments. The amendment also requires a licensee to return trust funds to the Maine Harness Racing Commission if the licensee does not conduct live racing. The amendment requires simulcast facilities to pay licensees the same commission required of off-track betting parlors. This amendment also adds a fiscal note to the bill.